IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4920 OF 1992

Hirabai W/o. Kisan Kolekar & Anr. : Petitioners

(Orig. Plaintiffs)

V/s.

Ananda Maruti Patil & Anr. : Respondents

(Orig.Defendants)

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Ms R.S.Sawant for the petitioners.

Mr.A.A.Garge i/b. Mr.R.S.Apte for respondent no.1.

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CORAM : S.A. BOBDE, J.

DATE : MAY 2, 2006.

P.C.

1. The petitioners have challenged the order of the IIIrd Addl. District Judge, Sangli, dismissing their appeal against the grant of injunction to the respondents who are the defendants.

2. The petitioners sued the respondents for a decree that they be directed to execute a document in their favour. They also sued the respondents for a perpetual injunction in respect of one-third share of the property.

3. The Courts below have prima facie come to the conclusion that respondent no.1 purchased the property in question from petitioner no.2 and respondent no.2 for a valuable consideration and is, therefore, in possession. The trial Court granted an injunction to respondent no.1 on an application for a temporary injunction. The petitioners' appeal against that order has been dismissed by the IIIrd Addl. District Judge, Sangli. This Court entertained this Writ Petition and on 16.12.1992 directed maintenance of status quo in respect of the order of the appellate Court. The matter comes up for hearing after a long period today.

4. Having regard to the circumstances of the case and the nature of the controversy and having regard to the fact that the order of status quo has been in operation since 1992, I consider it appropriate in the interest of justice to direct the trial Court to decide Regular Civil Suit no.338 of 1989 not later than six months from the date the petitioners appear before the trial Court. The petitioners are directed to appear before the trial Court on 5.6.2006. Pending decision of the suit, the status quo granted by this Court shall continue to operate.

5. The rule stands disposed of accordingly. No order as to costs.

S.A. BOBDE, J.